

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**CASE NO.: 24-cv-22870-GAYLES/D'ANGELO**

**M & M INTERIOR IMPROVEMENT,  
CORP., a Florida Profit Corporation, and  
DAVID MARTINEZ, individually,**

Plaintiffs,

v.

**JPMORGAN CHASE BANK, N.A.,**

Defendant.

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**ORDER**

**THIS CAUSE** comes before the Court on Defendant JPMorgan Chase Bank, N.A.'s Motion to Compel Arbitration (the "Motion"). [ECF No. 9]. This case was referred to Magistrate Judge Ellen F. D'Angelo for a ruling on all pretrial non-dispositive matters and a report and recommendation on all dispositive matters, pursuant to 28 U.S.C. § 636(b)(1)(B). [ECF No. 23]. On January 24, 2025, Judge D'Angelo issued her report recommending that the Defendant's Motion be granted (the "Report"). [ECF No. 25]. No objections were filed to the Report.

A district court may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections "pinpoint the specific findings that the party disagrees with." *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint*

*Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); accord *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006).


This Court finds no clear error with Judge D'Angelo's well-reasoned analysis and agrees with her conclusion that the Defendant's Motion to Compel Arbitration should be granted and that this matter should be stayed pending arbitration. Accordingly, the Parties shall proceed to arbitration pursuant to the arbitration provisions of the Chase Deposit Account Agreement and the Consolidated Digital Services Agreement.

### **CONCLUSION**

After careful consideration, it is **ORDERED AND ADJUDGED** as follows:

- (1) Magistrate Judge D'Angelo's Report and Recommendation, [ECF No. 25], is **ADOPTED in full**;
- (2) The Defendant's Motion to Compel Arbitration is **GRANTED**;
- (3) The Parties shall proceed to arbitration pursuant to the arbitration provisions;
- (4) This matter is **STAYED** and **CLOSED** for administrative purposes pending arbitration. The Parties may file a motion to lift the stay, if necessary, once the arbitration proceedings have concluded.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 14th day of February, 2025.

  
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DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE